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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In Re

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations  
Hurlock, MD

DOCKET FILE COPY ORIGINAL

MM Docket No. \_\_\_\_\_  
RM- \_\_\_\_\_

To: Chief, Policy and Rules Division

**PETITION FOR RULEMAKING**

Apex Associates, Inc. ("Apex"), by its attorney, hereby petitions for amendment of Section 73.202(b) of the Commission's Rules, Table of FM Allotments, to substitute Channel 263A for Channel 265A and for modification of Apex's license for Station WAAI(FM) to specify operation on Channel 263A rather than 265A. Attached hereto is an Engineering Statement which establishes that proposed substitution of Channel 263A for Channel 265A at Hurlock, Maryland, complies with the Commission's FM channel separation requirements.

The proposed channel substitution will enable Apex to upgrade WAAI's facilities to the maximum permitted for Class A stations. Such an upgrade is not possible on WAAI's existing channel which was allotted prior to the rule changes which increased the maximum power for Class A stations from 3 to 6 kilowatts due to existing co and adjacent channel stations at less than the required spacings for WAAI to operate with ERP pf 6 kilowatts. Grant of this petition will serve the public interest by enabling WAAI to serve a wider area and to provide a stronger

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signal within its existing service area.

If this Petition is granted, Apex will promptly file an application to upgrade WAAI's facilities to 6 kilowatts on Channel 263A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Tillotson', with a long horizontal flourish extending to the right.

David Tillotson  
3421 M Street, N.W., Suite 1739  
Washington, DC 20007  
Tel: 202/625-6241

**Attorney for Apex Associates, Inc.**

Date: September 30, 1994

ENGINEERING EXHIBIT  
  
SUPPORTING A  
  
PETITION FOR RULE MAKING  
  
BY  
  
APEX ASSOCIATES, INC.

September 23, 1994

Apex Associates, Inc.  
Hurlock, Maryland

## ENGINEERING STATEMENT

This Engineering Exhibit supports a Petition for Rule Making by Apex Associates, Inc., licensee of WAAI, at Hurlock, Maryland, to modify the FM Table of Allotments. Apex proposes to substitute Channel 263A for Channel 265A at Hurlock, Maryland. This change would allow an increase to a maximum Class A facility from a grandfathered 3kW equivalent Class A facility.

Exhibit 1 is an allocation study for Channel 263A run from the reference coordinates N 38° 35' 06" W 75° 53' 04" . They provide the required separations to all pertinent station or allocations as shown in Exhibit 1. These reference coordinates are located approximately 5 kilometers from Hurlock, Maryland.

Should this allotment be granted, Apex Associates, Inc. will file for the maximum facilities at Hurlock, Maryland.

EXHIBIT 1

FM Channel Study

Title: WAAI REF COORD Latitude: 38-35-06  
Channel 263A (100.5 MHz) Longitude: 75-53-04  
Database: DW 09/02/94 Safety zone: 25 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)

WTMD	LIC	TOWSON STATE UNIVERSITY	*209B1	10.2	39-23-45	325.5	109.7	12
TOWSON		MD BLED-840613CH	89.7	72	76-36-29	145.0	97.69	CLEAR

Was WCVT 06/28/91 per FCC release #161 dated 06/28/91

WOEL-FM LIC	MD	BAPTIST BIBLE COLLEGE	*210A	3	39-35-35	.9	111.9	10
ELKTON		MD BLED-821227AJ	89.9	79	75-51-49	180.9	101.9	CLEAR

WWFG	LIC	WWFG LICENSE LP	260B	50	38-20-07	113.3	69.75	69
OCEAN CITY		MD	99.9	98	75-09-04	293.7	.753	CLOSE

Was WKHI 05/27/93 per FCC release #205 dated 05/28/93

WYFJ	LIC	BIBLE BROADCASTING NETWO	*261A	3.30	37-44-46	237.0	169.1	31
ASHLAND		VA BMLD-900501K	100.1	91	77-29-44	56.0	138.1	CLEAR

License Granted 11/21/91 per FCC release #21263 dated 11/29/91; EDUCATIONAL OPERATION

WBIG-FM LIC	RADIO 100 OF MARYLAND LP	262B	36	38-53-44	288.1	114.0	113	
WASHINGTON		DC BLH-930127KC	100.3	175	77-08-04	107.3	1.017	CLOSE

License Granted 06/04/93 per FCC release #21655 dated 06/10/93; Was WJZE 06/03/93 per FCC release #206 dated 06/14/93; Ant: Elec. Res. Inc. 4AE-SP

ALLOC		263B		36-54-39	192.6	190.3	178
NORFOLK-NEWPORT NEWS	VA	100.5		76-21-09	12.3	12.34	CLOSE

Allocated to NORFOLK VA

WCMS-FM LIC	WCMS RADIO NORFOLK, INC.	263B	50	36-49-44	188.4	197.0	178	
NORFOLK		VA BMLH-920806KB	100.5	152	76-12-26	8.2	18.98	CLEAR

See NORFOLK-NEWPORT NEWS VA; License Granted 02/23/93 per FCC release #21581 dated 03/03/93; Ant: Elec. Res. Inc. FMH6AE; Affiliated with WCMS(AM)

WZXL	LIC	VINRAH OF NEW JERSEY INC	264B	38	39-07-28	57.9	114.1	113
WILDWOOD		NJ BLH-870602KA	100.7	101	74-45-56	238.6	1.102	CLOSE

Affiliated with WCMC(AM)

WWDC-FM LIC	CAPITOL BROADCASTING COM	266B	22.5	38-59-59	294.8	111.8	69	
WASHINGTON		DC BLH-850904KT	101.1	232	77-03-27	114.0	42.83	CLEAR

Affiliated with WWDC(AM)

Apex Associates, Inc.  
Hurlock, Maryland

AFFIDAVIT

COUNTY OF FAIRFAX                    )  
  ) SS:  
COMMONWEALTH OF VIRGINIA    )

MICHAEL D. RHODES, being duly sworn upon oath deposes and says:


That he is employed as an Associate Engineer by the firm of Moffet, Larson & Johnson, Inc., consulting telecommunications engineers;

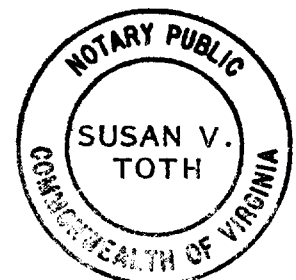
That this firm has been retained by Apex Associates, Inc. to prepare this engineering statement;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement; and that the facts stated in this engineering statement are true of his knowledge, except as to such statements as are herein stated to be on information and belief, and as to such statements he believes them to be true.

  
Michael D. Rhodes

Subscribed and sworn to before me this 23rd day of September, 1994.

  
Notary Public



My Comm. Exps.  
July 31, 1996

Apex Associates, Inc.  
Hurlock, Maryland

AFFIDAVIT

COUNTY OF FAIRFAX                    )  
  ) SS:  
COMMONWEALTH OF VIRGINIA )

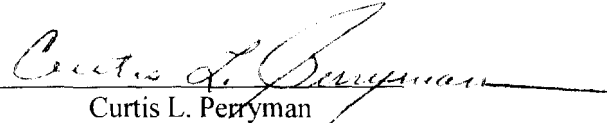
CURTIS L. PERRYMAN, being duly sworn upon oath deposes and says:

That he is employed by the firm of Moffet, Larson & Johnson, Inc., consulting telecommunications engineers;

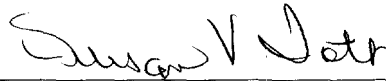
That his qualifications are a matter of record with the Federal Communications Commission;

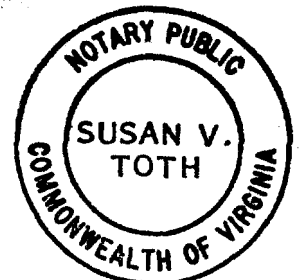
That this firm has been retained by Apex Associates, Inc. to prepare this engineering statement;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement; and that the facts stated in this engineering statement are true of his knowledge, except as to such statements as are herein stated to be on information and belief, and as to such statements he believes them to be true.

  
Curtis L. Perryman

Subscribed and sworn to before me this 23rd day of September, 1994.

  
Notary Public



My Comm. Exps.  
July 31, 1996